

UNDER SEAL

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FILED

AUG 22 2019

SUSAN Y. SOCRIO
CLERK U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CRB

CR19

0394

UNITED STATES OF AMERICA,
Plaintiff,

v.

OVIDIU TUDOR MARUSCA, a/k/a JOZSEF
GABOR, a/k/a SANDOR GABOR,
[REDACTED] and
[REDACTED]

Defendants.

No.

VIOLATIONS:

18 U.S.C. § 1029(b)(2) – Conspiracy to Commit
Access Device Fraud;
18 U.S.C. § 1029(a)(1) and (a)(2) – Access Device
Fraud;
18 U.S.C. § 1028A – Aggravated Identity Theft;
18 U.S.C. §§ 982(a)(2)(B), 1029(c)(1)(C) – Access
Device Fraud Forfeiture

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

Introductory Allegations

1. At all times relevant to this Indictment:

- a) First Republic Bank is a bank with banking operations located in the Northern District of California.
- b) A skimming device is a device or object affixed to or near and/or inserted on or into an Automated Teller Machine (ATM) to obtain ATM users' account information without authorization.
- c) Automated Teller Machine (ATM) cards are used by bank customers to access their

INDICTMENT

accounts, including by withdrawing funds.

COUNT ONE: (18 U.S.C. § 1029(b)(2) – Conspiracy to Commit Access Device Fraud)

Objects of the Conspiracy

2. Beginning on a date no later than on or about July 19, 2018, and continuing to a date no later than on or about August 12, 2018, in the Northern District of California and elsewhere, the defendants,

OVIDIU MARUSCA,

together did conspire and agree with each other, and others known and unknown, to knowingly and with intent to defraud: (1) produce, use, and traffic in one or more counterfeit access devices, and by such conduct affect interstate commerce in violation of Title 18, United States Code, Section 1029(a)(1); and (2) traffic in and use unauthorized devices during any one-year period, and by such conduct obtain anything of value aggregating at least \$1,000 during that period, affecting interstate commerce in violation of Title 18, United States Code, Section 1029(a)(2).

The Manner and Means of the Conspiracy

3. MARUSCA, [REDACTED] as well as others known and unknown to the grand jury, inserted skimming devices and video cameras on or near First Republic Bank ATMs to steal personally identifying information of bona fide ATM users, including unique bank account numbers and personal identification numbers, to manufacture counterfeit access device cards, and to obtain money and property using the stolen bank account numbers and identification numbers to make ATM withdrawals from financial institutions in the Northern District of California and elsewhere.

4. The objects of the conspiracy were carried out, in substance, as follows:

a) On a date prior to July 19, 2018, defendants MARUSCA, [REDACTED] traveled interstate to the San Francisco area for the purpose of committing access device fraud as alleged herein.

b) On dates between July 19, 2018, and August 12, 2018, MARUSCA, [REDACTED] and others known and unknown to the Grand Jury placed and/or removed skimming devices and/or video cameras on or near certain First Republic Bank ATMs throughout the Northern

District of California.

c) On dates between July 19, 2018 and August 12, 2018, defendants and their co-conspirators obtained over 200 unauthorized access devices, namely, First Republic Bank debit card account numbers, which they used to create counterfeit access devices.

d) On dates between July 19, 2018 and August 12, 2018, defendants and their co-conspirators used and caused to be used the unauthorized and counterfeit access devices to withdraw over \$200,000 in cash from First Republic customers' accounts by making unauthorized withdrawals from ATMs.

Overt Acts in Furtherance of the Conspiracy

5. In furtherance of the conspiracy and to accomplish its objects, the defendants and others known and unknown to the grand jury, committed and caused to be committed the following overt acts in the Northern District of California:

a) On or about July 11, 2018, defendant [REDACTED] purchased airline tickets for one-way travel on a domestic airline from Chicago, Illinois to San Francisco, California for [REDACTED] self and another co-conspirator;

b) On dates between July 19, 2018 and August 12, 2018, defendant [REDACTED] paid the invoice, in excess of \$1,000, for defendant [REDACTED] and the co-conspirators to reside at an AirBnB property in Redwood City, California during the same time period;

c) On or about July 27, 2018, defendant [REDACTED] made two unauthorized withdrawals from Individual 6's First Republic account using a Bank of America ATM in Palo Alto, California in the amounts of \$420 and \$380;

d) On or about July 27, 2018, defendant [REDACTED] made an unauthorized withdrawal from Individual 7's First Republic account using a Wells Fargo ATM at Serramonte Center, Daly City, California, in the amount of \$480;

e) On or about August 4, 2018, defendant MARUSCA made an unauthorized withdrawal from Individual 1's First Republic account using a Bank of America ATM on Battery Street in San Francisco, California, in the amount of \$880;

f) On or about August 7, 2018, defendant MARUSCA placed and/or removed a skimming

device and/or video camera on or near the First Republic Bank ATM located at 19th and Irving Streets in San Francisco, California, without the knowledge and authorization of First Republic Bank; and

g) On or about August 12, 2018, defendant MARUSCA made an unauthorized withdrawal from Individual 3's First Republic account using a Bank of America ATM in Millbrae, California, in the amount of \$960.

All in violation of Title 18, United States Code, Section 1029(b)(2).

COUNT TWO: (18 U.S.C. § 1029(a)(1) – Access Device Fraud)

6. Paragraphs 1 through 5 are realleged and incorporated herein by reference.

7. From on or about July 19, 2018 to on or about August 12, 2018, in the Northern District of California and elsewhere, the defendants,

OVIDIU MARUSCA,

did knowingly and with intent to defraud produce, use, and traffic in one or more counterfeit access devices, including ATM cards issued to persons other than the defendants, and, in so doing, affected interstate and foreign commerce.

In violation of Title 18, United States Code, Section 1029(a)(1).

COUNT THREE: (18 U.S.C. § 1029(a)(2) – Access Device Fraud)

8. Paragraphs 1 through 5 are realleged and incorporated herein by reference.

9. From on or about July 19, 2018 to on or about August 12, 2018, in the Northern District of California and elsewhere, the defendants,

OVIDIU MARUSCA,

did knowingly and with intent to defraud traffic in and use one or more unauthorized access devices, including the means of bank account access, issued to persons other than the defendants, and by such conduct obtained anything of value aggregating at least \$1,000 within a one-year period, and, in so doing, affected interstate commerce.

In violation of Title 18, United States Code, Section 1029(a)(2).

COUNTS FOUR THROUGH TWELVE: (18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft)

10. Paragraphs 1 through 9 are realleged and incorporated herein by reference.

11. On or about the dates set forth below, in the Northern District of California and elsewhere, the defendants did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, the name and bank account information of the individuals specified below, during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), to wit, access device fraud, knowing the means of identification belonged to another actual person, in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT	DEFENDANT	DATE	VICTIM
4	MARUSCA	August 4, 2018	Individual 1
5	MARUSCA	August 12, 2018	Individual 2
6	MARUSCA	August 12, 2018	Individual 3
7	MARUSCA	August 12, 2018	Individual 4
8	[REDACTED]	July 27, 2018	Individual 5
9	[REDACTED]	July 27, 2018	Individual 6
10	[REDACTED]	July 27, 2018	Individual 7
11	[REDACTED]	July 27, 2018	Individual 8
12	[REDACTED]	July 27, 2018	Individual 6

FORFEITURE ALLEGATION: (18 U.S.C. § 982(a)(2)(B) and 1029(c)(1)(C))

12. All of the allegations contained in this Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Sections 982(a) and 1029.

13. Upon conviction of any of the offenses alleged in Counts One through Three of this Indictment, the defendants,

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1 OVIDIU MARUSCA,
2 [REDACTED]
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4 shall forfeit to the United States of America, pursuant to 18 U.S.C. §§ 982(a)(2)(B) and 1029(c)(1)(C),
5 any property constituting or derived from proceeds the defendant obtained, directly or indirectly, as the
6 result of such violation and any personal property used or intended to be used to commit the offense,
7 including but not limited to a forfeiture money judgment. The property to be forfeited includes, but is
8 not limited to, a forfeiture money judgment and the following:

- 9 a. documents and digital images containing the means of identification of other
10 individuals; and
11 b. materials used to create counterfeit and unauthorized access devices, including
12 ATM debit or credit cards in the name of other individuals and tools used to
13 create devices used to capture individuals' account information; and

14 14. If any of the property described above, as a result of any act or omission of the
15 defendants:

- 16 a. cannot be located upon the exercise of due diligence;
17 b. has been transferred and sold to, and deposited with, a third party;
18 c. has been placed beyond the jurisdiction of the court;
19 d. has been substantially diminished in value; or
20 e. has been commingled with other property which cannot be divided without
21 difficulty,

22 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,
23 United States Code, Section 853(p).

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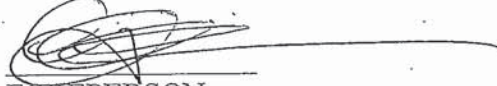
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1 All pursuant to Title 18, United States Code, Sections 982(a)(2) and 1029(c)(1)(C), and Rule
2 32.2 of the Federal Rules of Criminal Procedure.

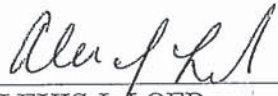
3 DATED:

22 August 2019

A TRUE BILL.

4 
5 FOREPERSON

6 DAVID L. ANDERSON
7 United States Attorney

8 
9 ALEXIS J. LOEB
10 Assistant United States Attorney